

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MULHOLLAND ENERGY SERVICES, LLC §

Plaintiff, §

v. §

CASE NO. SA-24-CA-00093-XR

KLAUS, INC. §

Defendant/Third-Party Plaintiff, §

v. §

**ENBRIDGE STORAGE (CUSHING), LLC, §
and CLERMONT INNOVATIVE DESIGN, §
LLC, §**

Third-Party Defendants. §

DECLARATION OF KELLY KLAUS

I, Kelly Klaus, pursuant to Section 132.001 of the Texas Civil Practices and Remedies Code and 28 U.S.C. § 1746, declare as follows:

1. My name is Kelly Klaus, I am of sound mind and over the age of eighteen (18), and my business address is in Cushing, Oklahoma. The statements and facts contained herein are within my knowledge and are true and correct.

2. I am the owner of Klaus, Inc. I am duly authorized to sign this declaration on behalf of Klaus, Inc. in my capacity as owner and president.

3. I am aware of, and was involved in, Klaus, Inc. bidding on and winning the project at Enbridge Storage (Cushing), LLC's ("Enbridge") facility in Cushing, Oklahoma ("Enbridge Facility") on or around December 14, 2021. The project originally involved the electrical and instrumentation portion of the M 202 and 206 project at the Enbridge Facility.

4. Hydrovac work was required as part of this project. However, Klaus, Inc. does not have the ability to do hydro-vac work itself. Pilgram Construction, LLC (the subcontractor on the project) and Enbridge required Klaus, Inc. to use Plaintiff Mulholland Energy Services, LLC ("Mulholland") for the hydro-vac work.

5. Klaus, Inc. was under the impression that Mulholland had a site near the Cushing Facility, which would minimize travel time to and from the project.

6. Klaus, Inc. did retain Mulholland to assist with the hydro-vac work at the Enbridge Facility.


7. Prior to the project at the Enbridge Facility, Klaus, Inc. had never hired, retained or contracted with Mulholland. Since the project at Enbridge Facility, Klaus, Inc. has not hired, retained or contracted with Mulholland.

8. Klaus, Inc. never contracted with Mulholland to perform any work in the State of Texas.

9. I have reviewed Mulholland's Second Amended Complaint, invoices produced in discovery regarding same, and the field tickets supporting those same issues. The work alleged to have been performed on those invoices could only have been performed in Cushing, Oklahoma.

10. Klaus, Inc. has never had a project in Pleasanton, Texas.

EXECUTED this 19 day of November 2024 in Tulsa County, State of Oklahoma.


Kelly Klaus